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6 Attorney for Leviathan Michael Woodley  
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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LEVIATHAN MICHAEL WOODLEY,

14 Defendant.  
15

Case No. 2:21-mj-00950-DJA

ORDER **TO CONTINUE**  
**BENCH TRIAL**  
(Fifth Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,  
17 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the  
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Navid  
19 Afshar, Assistant Federal Public Defender, counsel for Leviathan Michael Woodley, that  
20 the bench trial currently scheduled on April 12, 2023, be vacated and continued to a date and  
21 time convenient to the Court, but no sooner than forty-five (45) days.  
22

23 This Stipulation is entered into for the following reasons:  
24

- 25 1. Counsel needs time to conduct specific investigation related to client's  
concern.
- 26 2. There were communication issues that have since been resolved and counsel  
has been in contact with the defendant.

1       3.     The parties are very close to obtaining a final resolution or making a  
2 determination whether to proceed to trial.

3       4.     The defendant is not incarcerated and does not object to the continuance.

4       5.     Counsel does not anticipate any further continuances, absent unforeseen  
5           circumstances.

6       6.     Additionally, denial of this request for continuance could result in a  
7 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
8 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
9 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
10 United States Code § 3161(h)(7)(B)(iv).

11      7.     The parties are asking for 45 days because counsel for the government will be  
12 out of the jurisdiction May 8 – 19, 2023 and counsel for the defendant has a jury trial that is  
13 proceeding May 8, 2023.

14       This is the fifth request for a continuance of the bench trial.

15       DATED this 7<sup>th</sup> day of April, 2023.

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17      RENE L. VALLADARES  
18           Federal Public Defender

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20      JASON M. FRIERSON  
21           United States Attorney

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23      By /s/ Navid Afshar  
24      NAVID AFSHAR  
25           Assistant Federal Public Defender

26  
27      By /s/ Imani Dixon  
28      IMANI DIXON  
29           Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

LEVIATHAN MICHAEL WOODLEY,

## Defendant.

Case No. 2:21-mj-00950-DJA

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel needs time to conduct specific investigation related to client's concern.
2. There were communication issues that have since been resolved and counsel has been in contact with the defendant.
3. The parties are very close to obtaining a final resolution or making a determination whether to proceed to trial.
4. The defendant is not incarcerated and does not object to the continuance.
5. Counsel does not anticipate any further continuances, absent unforeseen circumstances.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code § 3161(h)(7)(B)(iv).

7. The parties are asking for 45 days because counsel for the government will be out of the jurisdiction May 8 – 19, 2023 and counsel for the defendant has a jury trial that is proceeding May 8, 2023.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

## ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, April 12, 2023, at 9:00 a.m., be vacated and continued to June 21, 2023, at 9:00 a.m., Courtroom 3A.

10th  
DATED this        day of April, 2023.

John

DANIEL J. ALBREGTS  
United States Magistrate Judge